

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JESSE B. HOLMES,

Plaintiff,

vs.

LARRY A. ATKINSON,

Defendants.

Case No. 2:10-cv-01774-PMP-PAL


**REPORT OF FINDINGS AND**  
**RECOMMENDATION**

Plaintiff Jesse B. Holmes is proceeding in this action *pro se*. He filed an Application to Proceed *In Forma Pauperis* (Dkt. #1) and submitted a Complaint on October 13, 2010. Because the court granted Plaintiff's request to proceed *in forma pauperis*, the court screened the pursuant to 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's Complaint failed to state a claim and allowed Plaintiff thirty days to file an amended complaint. Plaintiff has neither filed an amended complaint nor requested an extension of time nor taken any other action to prosecute this case. Plaintiff was warned that failure to comply with the screening order would result in a recommendation to the District Judge that this case be dismissed.

Accordingly,

**IT IS RECOMMENDED** that the Complaint be **DISMISSED**.

Dated this 8th day of March, 2011.

  
 PEGGY A. LEEN  
 UNITED STATES MAGISTRATE JUDGE

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**NOTICE**

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within fourteen days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.